



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147

FAX (603) 271-6588

**LETTER OF DEFICIENCY
WET 2003-007**



May 20, 2003

Thomas Thayer
84 Jenkins Road
Lebanon, NH 03766

RE: DES Wetlands File #2003-00571 Jenkins Rd, Lebanon

Dear Mr. Thayer

On April 4 and April 16, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Lebanon Tax Map 54 as Lot 4, and the associated right-of-way on Jenkins Road (the "Property"). The purpose of the inspection was to assess the impact to Hardy Hill Brook and associated wetlands caused by the failure of your septic system.

During the inspection the following deficiencies were documented (see enclosed field sketch dated April 16, 2003):

1. An area of deposition measuring 3' x 8' was observed on the north side of Jenkins Road, adjacent to the culvert inlet running under Jenkins Road (area "A" on the enclosed sketch).
2. An area of deposition measuring 3' x 143' was observed on the north side of Jenkins Road, within the Jenkins Road right-of-way, an area that drains into Hardy Hill Brook (area "B" on the enclosed sketch).
3. An area of deposition measuring 41' x 2' - 4' deep was observed along and within the bank of Hardy Hill Brook (area "C" on the enclosed sketch).
4. An area of deposition measuring 6' x 42' was measured on the bank and in Hardy Hill Brook (area "D" on the enclosed sketch).
5. An area of deposition measuring 5' x 17' was observed on the north side of Jenkins Road (noted as area "E" on the enclosed sketch).

In response, you are requested to take the following actions

1. **Immediately** install and maintain erosion controls such as silt fence and hay bales within the Jenkins Road right-of way to prevent further siltation into Hardy Hill Brook.

2. **By June 15, 2003**, remove, by hand, the fill material in Hardy Hill Brook down to the original soil, and relocate off-site out of wetlands jurisdiction (areas "A", "C" and "D").
3. **By June 15, 2003**, remove the fill material within the Jenkins Road right-of-way (area "B"), and relocate the material off-site out of wetlands jurisdiction.
4. **By June 15, 2003**, remove the fill material between the silt fence that is currently erected along Hardy Hill Brook to a distance of 25', down to the original ground surface and relocate off-site out of wetlands jurisdiction (area "C").
5. **By June 15, 2003**, remove, by hand, the 5' x 17' area of deposition (area "E") and relocate the material off-site out of wetlands jurisdiction.
6. Siltation and erosion controls shall be in place prior to restoration, shall be maintained during the restoration, and shall remain until the area is stabilized.
7. All work shall be done during dry weather conditions.
8. **By June 30, 2003**, submit to DES a restoration report. The restoration report shall include photographs taken periodically during restoration. A brief description of each photo should be provided.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A may result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us or Mary Ann Tilton at (603) 271-4061 or by e-mail at mtilton@des.state.nh.us.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 1838

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Jocelyn Degler, DES Wetlands Bureau
Lebanon Conservation Commission
Lebanon Board of Selectmen
David Killoy, USACOE
Steven Morse